

## **TITLE 329 SOLID WASTE MANAGEMENT BOARD**

### **Rule as Preliminarily Adopted and Proposed for Final Adoption** LSA Document #10-253

#### **DIGEST**

Adds 329 IAC 11.6 concerning registration, including storage and operational requirements, and closure and financial assurance for facilities that process mobile homes. Effective 30 days after filing with the Publisher.

#### **HISTORY**

First Notice of Comment Period: May 12, 2010, Indiana Register (DIN: 20100512-IR-329100253FNA).  
Second Notice of Comment Period: July 27, 2011, Indiana Register (DIN: 20110727-IR-329100253SNA).  
Notice of First Hearing: July 27, 2011, Indiana Register (DIN: 20110727-IR-329100253PHA).  
Change in Notice of Public Hearing: October 26, 2011, Indiana Register (DIN: 20111026-IR-329100253CHA).  
Change in Notice of Public Hearing: December 7, 2011, Indiana Register (DIN: 20111207-IR-329100253CHA).  
Date of First Hearing: February 21, 2012.  
Proposed Rule Published: May 30, 2012, Indiana Register (DIN: 20120530-IR-329100253PRA).  
Notice of Second Hearing: May 30, 2012, Indiana Register (DIN: 20120530-IR-329100253PHA).  
Date of Second Hearing: September 18, 2012.

#### **329 IAC 11.6**

SECTION 1. 329 IAC 11.6 IS ADDED TO READ AS FOLLOWS:

##### **ARTICLE 11.6. MOBILE HOME SALVAGING FACILITIES**

###### **Rule 1. General Provisions**

###### **329 IAC 11.6-1-1 Purpose**

**Authority:** IC 13-14-8-7; IC 13-15; IC 13-19-3

**Affected:** IC 13-30-2-1; IC 36-9-30-35

**Sec. 1. (a) This article regulates mobile home salvaging facilities through the following:**

- (1) Providing for the registration of facilities storing or processing salvaged mobile homes.**
- (2) Providing standards for storing or processing salvaged mobile homes.**
- (3) Providing cleanup and closure standards for facilities that have stored or processed salvaged mobile homes.**
- (4) Providing financial assurance for the cleanup and closure of facilities storing or processing salvaged mobile homes.**

**(b) This article replaces all solid waste processing standards and permitting requirements under 329 IAC 10 and 329 IAC 11 for mobile home salvaging, unless the mobile home is disposed of or incinerated through any means including heat or chemical treatment. (*Solid Waste Management Board; 329 IAC 11.6-1-1*)**

###### **329 IAC 11.6-1-2 Applicability**

**Authority:** IC 13-14-8-7; IC 13-15; IC 13-19-3

**Affected:** IC 13-30-2; IC 36-9-30

**Sec. 2. This article applies to a facility doing any of the following:**

- (1) Dismantling mobile homes.**
- (2) Demanufacturing mobile homes.**

- (3) Storing discarded mobile homes and mobile home parts.**
- (4) Recycling mobile homes.**
- (5) Processing mobile homes.**

*(Solid Waste Management Board; 329 IAC 11.6-1-2)*

**329 IAC 11.6-1-3 Severability**

**Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3**

**Affected: IC 13-30-2; IC 36-9-30**

**Sec. 3. If any provision of this article or the application to any person or circumstance is held invalid, the invalidity shall not affect any other provisions or application of this article that can be given effect without the invalid provision or application.** *(Solid Waste Management Board; 329 IAC 11.6-1-3)*

**329 IAC 11.6-1-4 Acts prohibited**

**Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3**

**Affected: IC 13-30-2; IC 36-9-30**

**Sec. 4. No person who owns or operates a facility to which this article is applicable shall cause or allow the storage, containment, processing, or disposal of mobile homes and structures in a manner that creates a threat to human health or the environment, including the creating of:**

- (1) a fire hazard;**
- (2) a vector attraction;**
- (3) air, land, or water pollution; or**
- (4) other contamination.**

*(Solid Waste Management Board; 329 IAC 11.6-1-4)*

**329 IAC 11.6-1-5 Penalties and enforcement**

**Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3**

**Affected: IC 13-14; IC 13-30-2; IC 36-9-30**

**Sec. 5. Penalties and enforcement of violations of this article shall be governed by IC 13-14 and IC 13-30.** *(Solid Waste Management Board; 329 IAC 11.6-1-5)*

**329 IAC 11.6-1-6 Local approvals**

**Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3**

**Affected: IC 13-14; IC 13-30-2; IC 36-9-30**

**Sec. 6. The registration that is required by this article does not supersede or replace the need to obtain any local approvals.** *(Solid Waste Management Board; 329 IAC 11.6-1-6)*

**329 IAC 11.6-1-7 Commissioner approval**

**Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3**

**Affected: IC 13-14; IC 13-30-2; IC 36-9-30**

**Sec. 7. In this article, any approval that is given by the commissioner is based on protection of human health and the environment.** *(Solid Waste Management Board; 329 IAC 11.6-1-7)*

**Rule 2. Definitions**

**329 IAC 11.6-2-1 Definitions**

**Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3**

**Affected: IC 13-11-2; IC 13-30-2; IC 36-9-30**

**Sec. 1. In addition to the definitions in IC 13-11-2 and 329 IAC 11-2 that are applicable, the definitions in this rule apply throughout this article.** *(Solid Waste Management Board; 329 IAC 11.6-2-1)*

**329 IAC 11.6-2-2 "Closure" defined**

**Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3**

**Affected: IC 13-30-2; IC 36-9-30**

**Sec. 2. "Closure" means the activities to be completed at the end of acceptance, storage, or processing of mobile homes and structures at the registered facility.** *(Solid Waste Management Board; 329 IAC 11.6-2-2)*

**329 IAC 11.6-2-3 "Contingency action plan" defined**

**Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3**

**Affected: IC 13-30-2; IC 36-9-30**

**Sec. 3. "Contingency action plan" means a document setting out a plan for emergency response in the event of an emergency that causes the release of contaminants into the environment or any event that causes the registered facility to cease processing.** *(Solid Waste Management Board; 329 IAC 11.6-2-3)*

**329 IAC 11.6-2-4 "Demanufacturing" defined**

**Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3**

**Affected: IC 13-30-2; IC 36-9-30**

**Sec. 4. "Demanufacturing" means any manual or mechanical processing in order to reuse or recycle components and commodities contained within a mobile home or structure.** *(Solid Waste Management Board; 329 IAC 11.6-2-4)*

**329 IAC 11.6-2-5 "Discard" defined**

**Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3**

**Affected: IC 13-30-2; IC 36-9-30**

**Sec. 5. "Discard" means to abandon by:**

**(1) disposal;**

**(2) burning or incinerating, including burning as a fuel for the purpose of recovering usable energy; or**

**(3) accumulating, storing, or physically or chemically treating, other than burning or incinerating, in lieu of or before disposal.**

*(Solid Waste Management Board; 329 IAC 11.6-2-5)*

**329 IAC 11.6-2-6 "Dismantle" defined**

**Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3**

**Affected: IC 13-11-2-57; IC 13-30-2; IC 36-9-30**

**Sec. 6. "Dismantle" means to completely take the mobile home or structure apart, either manually or mechanically.** *(Solid Waste Management Board; 329 IAC 11.6-2-6)*

**329 IAC 11.6-2-7 "Disposal" defined**

**Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3**

**Affected: IC 13-11-2-57; IC 13-30-2; IC 36-9-30**

**Sec. 7. "Disposal" has the meaning set forth in IC 13-11-2-57. For purposes of this article, disposal must meet**

**the requirements in 329 IAC 11.6-7-1.** *(Solid Waste Management Board; 329 IAC 11.6-2-7)*

**329 IAC 11.6-2-8 "Financial assurance" defined**

**Authority:** IC 13-14-8-7; IC 13-15; IC 13-19-3

**Affected:** IC 13-30-2; IC 36-9-30

**Sec. 8. "Financial assurance" means, for purposes of this article, a bond acquired by the owner or operator of the registered facility in an amount sufficient to provide for the following:**

**(1) Remediation of contamination at the registered facility.**

**(2) Closure of the registered facility.**

*(Solid Waste Management Board; 329 IAC 11.6-2-8)*

**329 IAC 11.6-2-9 "Generator" defined**

**Authority:** IC 13-14-8-7; IC 13-15; IC 13-19-3

**Affected:** IC 13-30-2; IC 36-9-30

**Sec. 9. "Generator" means the person that discards mobile homes or structures regulated by this article.** *(Solid Waste Management Board; 329 IAC 11.6-2-9)*

**329 IAC 11.6-2-10 "Household hazardous waste" defined**

**Authority:** IC 13-14-8-7; IC 13-15; IC 13-19-3

**Affected:** IC 13-30-2; IC 36-9-30

**Sec. 10. "Household hazardous waste" means hazardous waste:**

**(1) generated by a household; and**

**(2) exempt from the requirements of the hazardous waste rules at 329 IAC 3.1.**

*(Solid Waste Management Board; 329 IAC 11.6-2-10)*

**329 IAC 11.6-2-11 "Landowner" defined**

**Authority:** IC 13-14-8-7; IC 13-15; IC 13-19-3

**Affected:** IC 13-30-2; IC 36-9-30

**Sec. 11. "Landowner" means an owner of real property, as described in the recorded deed and the current county or counties plats. For purposes of this article, the term includes the lessee of the land.** *(Solid Waste Management Board; 329 IAC 11.6-2-11)*

**329 IAC 11.6-2-12 "Mobile home or structure" defined**

**Authority:** IC 13-14-8-7; IC 13-15; IC 13-19-3

**Affected:** IC 13-30-2; IC 36-9-30

**Sec. 12. "Mobile home or structure" means a home or structure that has wheels or had wheels for purposes of being transported. This term excludes motorized vehicles.** *(Solid Waste Management Board; 329 IAC 11.6-2-12)*

**329 IAC 11.6-2-13 "Operator" defined**

**Authority:** IC 13-14-8-7; IC 13-15; IC 13-19-3

**Affected:** IC 13-30-2; IC 36-9-30

**Sec. 13. "Operator" means the person responsible for managing and overseeing a facility regulated under this article.** *(Solid Waste Management Board; 329 IAC 11.6-2-13)*

**329 IAC 11.6-2-14 "Owner" defined**

**Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3**  
**Affected: IC 13-30-2; IC 36-9-30**

**Sec. 14. "Owner" means the person who owns a facility required to register under this article.** *(Solid Waste Management Board; 329 IAC 11.6-2-14)*

**329 IAC 11.6-2-15 "Registered facility" defined**

**Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3**  
**Affected: IC 13-30-2; IC 36-9-30**

**Sec. 15. "Registered facility" means a:**

- (1) storage;**
- (2) recycling;**
- (3) processing; or**
- (4) reuse;**

**facility that is registered under this article.** *(Solid Waste Management Board; 329 IAC 11.6-2-15)*

**329 IAC 11.6-2-16 "Registration" defined**

**Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3**  
**Affected: IC 13-30-2; IC 36-9-30**

**Sec. 16. "Registration" means the notification to and the approval by the commissioner regarding the processing or storage of mobile homes or structures at the facility that:**

- (1) meets the requirements for registration; and**
- (2) must register under this article.**

*(Solid Waste Management Board; 329 IAC 11.6-2-16)*

**329 IAC 11.6-2-17 "Residue" defined**

**Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3**  
**Affected: IC 13-30-2; IC 36-9-30**

**Sec. 17. "Residue" means, for purposes of this article, any mobile home pieces or parts remaining after demanufacturing, dismantling, recycling, or processing that are collected to be sent for disposal.** *(Solid Waste Management Board; 329 IAC 11.6-2-17)*

**329 IAC 11.6-2-18 "Salvaging" defined**

**Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3**  
**Affected: IC 13-30-2; IC 36-9-30**

**Sec. 18. "Salvaging" has the meaning set forth in 329 IAC 10-2-163.** *(Solid Waste Management Board; 329 IAC 11.6-2-18)*

**329 IAC 11.6-2-19 "Speculative accumulation" defined**

**Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3**  
**Affected: IC 13-30-2; IC 36-9-30**

**Sec. 19. "Speculative accumulation" means the storage or recycling of large quantities of partially dismantled mobile homes or structures, mobile home parts, or residue without a current outlet for the processed or recycled materials. It is a rebuttable presumption that storage of partially disassembled mobile homes or structures, mobile home parts, or residue for more than six (6) months constitutes disposal.** *(Solid Waste Management Board; 329 IAC 11.6-2-19)*

**329 IAC 11.6-2-20 "Storage" defined**

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3

Affected: IC 13-30-2; IC 36-9-30

Sec. 20. "Storage" means the retention, containment, or accumulation of mobile homes, structures, or parts for salvaging, recovery, recycling, or processing on a temporary basis in such a manner that it does not:

- (1) threaten or potentially threaten human health; or
- (2) impact or potentially impact the environment.

The term does not include speculative accumulation. (*Solid Waste Management Board; 329 IAC 11.6-2-20*)

**329 IAC 11.6-2-21 "Waste determination" defined**

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3

Affected: IC 13-30-2; IC 36-9-30

Sec. 21. "Waste determination" means the documented process of determining the qualitative and quantitative nature of a particular waste in order to establish the regulatory status of the waste and determine if the waste must be disposed of under the hazardous waste rules at 329 IAC 3.1, the PCB rules at 329 IAC 4.1, or the solid waste rules at 329 IAC 10. The regulatory status may be determined using either generator knowledge or testing by the methods in 40 CFR 261, Subpart C, or equivalent methods approved under 40 CFR 260.21 to ascertain the following:

- (1) The waste is a hazardous waste under 40 CFR 262.11 and is regulated under 329 IAC 3.1 because of the following:
  - (A) The waste is not excluded from regulation under 40 CFR 261.4.
  - (B) The waste is a listed waste under 40 CFR 261, Subpart D.
  - (C) The waste exhibits characteristics specified in 40 CFR 261, Subpart C.
- (2) The waste:
  - (A) contains regulated amounts of PCBs; and
  - (B) is regulated under 329 IAC 4.1.
- (3) The waste is a solid waste and can be disposed of under 329 IAC 10.

\*Note: All federal regulations cited in this section are incorporated by reference as revised July 1, 2008. Sales of the Code of Federal Regulations are handled by the Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954 or online at <http://bookstore.gpo.gov/>. The telephone number for the Superintendent of Documents is (202) 512-1800 or toll-free (866) 512-1800. The incorporated materials are available for public review at the offices of the department of environmental management. (*Solid Waste Management Board; 329 IAC 11.6-2-21*)

**Rule 3. Exclusions**

**329 IAC 11.6-3-1 Exclusions**

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3

Affected: IC 13-30-2; IC 36-9-30

Sec. 1. The following are excluded from regulation under this article:

- (1) Facilities that hold a valid permit under 329 IAC 10 or 329 IAC 11 to process, store, or dispose solid waste.
- (2) Any storage or processing of the following:
  - (A) Mobile homes that takes place where the mobile home is manufactured, marketed, or sold.
  - (B) Abandoned mobile homes that have not been moved after abandonment.
- (3) Facilities permitted under 329 IAC 3.1 are not required to obtain permits for the storage, treatment, or disposal of nonhazardous solid waste where such solid waste is treated or disposed of as a hazardous waste at the receiving hazardous waste facility.
- (4) Facilities that do not have more than sixty (60) tons of mobile homes, structures, parts, and residue on-site at any one (1) time and do not cause harm to human health or the environment. The amount of residue must

always be less than forty (40) tons to maintain the exclusion.

(5) Facilities that process twelve (12) or fewer mobile homes in a year and the amount of residue must always be less than forty (40) tons to maintain the exclusion.

*(Solid Waste Management Board; 329 IAC 11.6-3-1)*

#### **Rule 4. Registration**

##### **329 IAC 11.6-4-1 Registration**

**Authority:** IC 13-14-8-7; IC 13-15; IC 13-19-3

**Affected:** IC 4-21.5-3; IC 13-15-7; IC 13-30-2; IC 36-9-30

**Sec. 1. (a)** The owners or operators of all applicable facilities listed under 329 IAC 11.6-1-2 are required to register, unless excluded under 329 IAC 11.6-3-1. A registration is for a fixed term not to exceed five (5) years. A registration may be renewed in accordance with this section.

**(b)** The registration form must be:

**(1)** filled out completely; and

**(2)** submitted to the commissioner in triplicate on a form or in a format provided by the commissioner.

**(c)** The commissioner may require the registration to be submitted electronically, with an electronic signature. However, a registration may always be submitted electronically via electronic media.

**(d)** The registration must be modified whenever the:

**(1)** process at the facility changes;

**(2)** amounts specified in subsection (f)(5) change; or

**(3)** location changes.

**(e)** The renewal form must be submitted at least sixty (60) days before the expiration date of the registration.

**(f)** The registration submission must include the following information:

**(1)** The name of the owner, operator, and landowner, if different from the registered facility owner.

**(2)** Addresses and telephone numbers for the owner, operator, and landowner.

**(3)** The location and address of the facility.

**(4)** The type of facility.

**(5)** The type and number of mobile homes or structures that are delivered daily and the maximum number of each to be stored on-site and the probable duration of storage in days.

**(6)** A plot plan that has a scale, including a bar scale, elevations that correlate with U.S. Geological Survey mean sea level data, north arrow, a map legend, facility boundary, roads, drainage ways, and identification on the plot plan of where the mobile homes, structures, parts, and residues will be stored in:

**(A)** a building;

**(B)** containers;

**(C)** vehicles;

**(D)** tanks; or

**(E)** other proposed storage provisions or locations, subject to approval by the commissioner.

**(7)** Incoming waste testing and screening procedures to ensure that the registered facility is only processing solid waste streams that are acceptable for salvaging at this registered facility.

**(8)** The construction material for all areas where mobile homes, structures, or parts will be:

**(A)** stored; or

**(B)** processed.

**(9)** A detailed description of the:

**(A)** storage;

**(B)** handling;

- (C) processing;
  - (D) treatment; and
  - (E) final disposition;
- of the mobile homes or structures.
- (10) The maximum number of mobile homes and structures to be processed in a month.
  - (11) Other permits from the department for the facility.
  - (12) The date the facility became operational or will become operational.
  - (13) A contingency action plan that specifies the following:
    - (A) An outline of the method or methods of waste disposal to be implemented if the registered facility is unable to operate or process.
    - (B) The maximum amount of mobile homes, structures, parts, and residues at the facility at any one (1) time.
    - (C) Emergency response plan for controlling:
      - (i) fire;
      - (ii) explosion;
      - (iii) spills; and
      - (iv) contamination.
    - (D) If required, a spill prevention control plan under Section 311(j)(1)(C) of the Clean Water Act, as amended by the Oil Pollution Act of 1990.
    - (E) A floor plan and plot plan of the registered facility. The plot plan must include the information required in subdivision (6).
    - (F) A United States Geological Service (USGS) map that identifies the facility location and any access roads.
    - (G) Telephone numbers for the fire department responsible for responding to a fire or emergency at the registered facility.
  - (14) A description of any residue, leachate, or wastewater resulting from the processing or storing of mobile homes, structures, or parts. Applicable surface water controls under 327 IAC 15-6 must be specified.
  - (15) Cleanup procedures for the:
    - (A) storage;
    - (B) waste processing;
    - (C) loading; and
    - (D) unloading;
- areas.
- (16) The financial assurance documentation required under 329 IAC 11.6-9-1.

(g) The owner or operator must sign and submit the following certification with the registration submission: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including a fine or imprisonment for a knowing violation. I further certify that I am authorized to submit this information."

(h) The commissioner or a designee may deny, revoke, limit the length of, or place additional conditions on a registration if the commissioner determines one (1) or more of the following:

- (1) The commissioner, under IC 13-15-7, has revoked the applicant's previous registration under this article.
- (2) The registration submission is incomplete.
- (3) There is a violation of a requirement of this article or a condition of the registration.
- (4) There is a failure to disclose all relevant facts in obtaining a registration under this article.
- (5) There is a misrepresentation made in obtaining a registration under this article.
- (6) The permittee fails to meet the requirements for a registration.
- (7) The permittee fails to correct a condition as agreed to in an agreed order with the department or



commissioner's order, or within the time established in the agreed order or commissioner's order, come into compliance with:

- (A) the registration;
- (B) this article; or
- (C) both.

(i) The issuance of a registration does not:

- (1) convey any property right of any sort or any exclusive privileges;
- (2) authorize any injury to persons or private property or invasion of other private rights or any infringement of federal, state, or local laws or regulations; or
- (3) preempt any duty to comply with other federal, state, or local requirements.

(j) A registration is not transferable. A new owner or operator:

- (1) must submit a registration form to the commissioner thirty (30) days in advance of taking ownership of the facility; and
- (2) may operate the facility in the interim.

*(Solid Waste Management Board; 329 IAC 11.6-4-1)*

#### **329 IAC 11.6-4-2 Transition for submitting registration**

**Authority:** IC 13-14-8-7; IC 13-15; IC 13-19-3

**Affected:** IC 13-30-2; IC 36-9-30

Sec. 2. (a) All owners or operators that are required to register under this article must submit a registration form within sixty (60) days after the effective date of this article. These facilities may continue to operate unless the registration is denied.

(b) No new facility that is required to register under this article may operate without submitting a registration form. *(Solid Waste Management Board; 329 IAC 11.6-4-2)*

#### **Rule 5. Storage Requirements**

##### **329 IAC 11.6-5-1 Storage requirements for mobile homes and structures**

**Authority:** IC 13-14-8-7; IC 13-15; IC 13-19-3

**Affected:** IC 13-30-2; IC 36-9-30

Sec. 1. (a) All registered facilities must store partially dismantled mobile homes, parts, or any residue in one (1) of the following that is leakproof with spill prevention:

- (1) A building that is weather tight with impervious floor.
- (2) A container capable of being enclosed.
- (3) A completely enclosed vehicle.
- (4) Other storage provisions approved by the commissioner.

(b) Speculative accumulation of partially dismantled mobile homes, parts, or residue is not allowed. Facilities registered under this article must engage in only legitimate reuse or recycling as demonstrated by the following:

- (1) The owner or operator of the registered facility must have a plan, to reuse or recycle the partially dismantled mobile home, structures, or parts that are salvaged, that provides or shows the following:
  - (A) The parts to be reused, recycled, or processed.
  - (B) The manner in which salvaged parts are intended to be reused, recycled, or processed.
  - (C) If applicable, a reason why any partially dismantled mobile home, structures, or parts are being stored for periods exceeding six (6) months. Reasons can include that storage is necessary to accumulate sufficient quantities for shipment or processing that saves additional costs.

(D) The mobile homes, structures, or parts are stored in a manner reflecting the value as a commodity and in accordance with this rule.

(2) The registered facility must maintain records for a period of five (5) years and recorded in a consistent manner either daily, weekly, or monthly, of mobile homes, structures, or parts coming into the facility and mobile homes or structures processed at the facility and include the following:

(A) The total number of mobile homes or structures received.

(B) The total amount of mobile homes, structures, or parts processed.

(C) The total amount of residue shipped from the facility for disposal.

(D) The total amount of any material shipped off-site.

(3) Shipping papers and manifests as applicable.

(c) The facility must have fire-extinguishing equipment that complies with the Indiana Fire Code as adopted by the fire prevention and building safety commission at 675 IAC 22. Adequate measures must be in place to control fire hazards, and contingency action plan required under 329 IAC 11.6-4-1(f)(13) must be submitted to the local fire department that services the area.

(d) The building, storage area, or vehicle storing mobile homes or mobile home parts and residues must:

(1) have access controls in place, such as a locked door or fence with locked gate; and

(2) be secured during nonbusiness hours.

(e) The land, building, vehicles, and containers must be maintained clean and free of other solid waste, other than in designated storage areas.

(f) Any facility that has or stores more than forty (40) cubic yards of residue on-site at any one (1) time is required to obtain financial assurance under 329 IAC 11.6-9-1.

(g) Storage, including the retention, containment, or accumulation of solid waste, on a temporary basis must be done in such a manner that it does not:

(1) threaten or potentially threaten human health; or

(2) impact or potentially impact the environment.

However, it is a rebuttable presumption that storage of partially disassembled mobile homes or structures, mobile home parts, or residue for more than six (6) months constitutes disposal. (*Solid Waste Management Board; 329 IAC 11.6-5-1*)

## **Rule 6. Operational Requirements**

### **329 IAC 11.6-6-1 Operational requirements for processing of mobile homes or mobile home parts**

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3

Affected: IC 13-30-2; IC 36-9-30

Sec. 1. (a) A facility that processes or stores mobile homes or mobile home parts must have the following:

(1) A sign at least one (1) foot high by two (2) feet wide prominently displayed by the door or entrance to the facility and legibly containing the following information in letters at least one (1) inch high:

(A) The name of the facility.

(B) The IDEM registration number.

(C) The name and telephone number of a designated emergency contact person.

(2) Any liquids or leachate must be controlled and collected.

(3) Adequate measures must be in place to control fire hazards, and the contingency action plan required under 329 IAC 11.6-4-1(f)(13) must be submitted to the local fire department that services the area.

(4) A telephone, cellular telephone, or radio communication device available when employees are present.

(5) Access control to the facility.

(6) Adequate control of the following:

- (A) Dust.
- (B) Odors.
- (C) Wastewater.
- (D) Vectors.
- (E) Litter.
- (F) Leachate.

(7) Proper handling of gas tanks and refrigerants.

(8) Monitoring of incoming waste. Any waste that the facility is not registered to receive must be isolated and removed from the registered facility. Any putrescible waste must be properly disposed of within seventy-two (72) hours of being received at the registered facility. Any other solid waste that is not attached to the mobile home and is not recyclable must be removed and properly disposed of as soon as possible after being received at the facility.

(b) Any container or vehicle that is used to store or accumulate mobile home parts or residues that are:

- (1) flammable;
- (2) subject to blowing;
- (3) a vector attraction; or
- (4) noxious odor-producing;

must be closed at the end of the operating day.

(c) The owner or operator shall record and retain at the registered facility, or in an alternative location approved by the commissioner, all records, reports, or audits required by this article until certification of closure is deemed adequate by the commissioner under 329 IAC 11.6-8-1(f). The following information must be retained:

- (1) A paper copy or an accessible copy of the electronically submitted registration.
- (2) A contingency action plan as required under 329 IAC 11.6-4-1(f)(13).
- (3) The records required under 329 IAC 11.6-5-1(b)(2).
- (4) The training log required under subsection (f).
- (5) The results of any waste determination tests on the residues generated by the registered facility.

(d) The following must be furnished as required and made available during normal operating hours for inspection by any officer, employee, or representative of the commissioner:

- (1) All records required by this article.
- (2) Any tests performed for a waste determination under 329 IAC 11.6-2-21.

(e) No hazardous waste that is regulated by 329 IAC 3.1 shall be processed at any registered facility, unless the facility is permitted under 329 IAC 3.1 to process hazardous waste.

(f) Employees must be trained on safety, emergency, and operational procedures for the facility. A training log must be retained at the registered facility for five (5) years stating the following:

- (1) The name of the employee.
- (2) Training topics.
- (3) Hours of training.

*(Solid Waste Management Board; 329 IAC 11.6-6-1)*

## **Rule 7. Disposal**

### **329 IAC 11.6-7-1 Disposal**

**Authority:** IC 13-14-8-7; IC 13-15; IC 13-19-3

**Affected:** IC 13-30-2; IC 36-9-30

**Sec. 1.** Persons, generators, owners, or operators disposing of mobile homes or structures or residue must make a waste determination and dispose as applicable at either of the following:

**(1) A facility permitted in Indiana under the following:**

- (A) 329 IAC 3.1.**
- (B) 329 IAC 4.1.**
- (C) 329 IAC 10.**
- (D) Incinerators permitted under 329 IAC 11.**
- (E) 329 IAC 13.**

**(2) An appropriate facility out of state.**

*(Solid Waste Management Board; 329 IAC 11.6-7-1)*

## **Rule 8. Closure**

### **329 IAC 11.6-8-1 Closure**

**Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3**

**Affected: IC 13-25-5-8.5; IC 13-30-2; IC 36-9-30**

**Sec. 1. (a) The owner or operator must notify the commissioner in writing at least fourteen (14) days before the date when the registered facility permanently ceases accepting mobile homes and structures.**

**(b) All mobile homes, structures, parts, and residue must be:**

**(1) removed from the:**

- (A) building;**
- (B) land;**
- (C) storage areas;**
- (D) tanks;**
- (E) containers; and**
- (F) vehicles; and**

**(2) disposed of according to 329 IAC 11.6-7-1;**

**within sixty (60) days of the registered facility no longer accepting mobile homes or structures.**

**(c) Any contaminants resulting from the storage or processing of mobile homes or structures that are above risk-based remediation objectives described in IC 13-25-5-8.5 must be contained, removed, and disposed of according to 329 IAC 11.6-7-1. This requirement does not include any contaminants that the owner or operator can demonstrate were existing on-site before the storage or processing of mobile homes or structures at the registered facility.**

**(d) A registered facility must be certified closed under subsection (e) after all waste is removed and disposed.**

**(e) The owner or operator must send a certification statement to the commissioner within thirty (30) days after completion of the closure stating that the requirements of this section have been met.**

**(f) After the closure certification is deemed adequate by the commissioner, the owner or operator of the registered facility is released from the obligation of maintaining closure financial responsibility. *(Solid Waste Management Board; 329 IAC 11.6-8-1)***

## **Rule 9. Financial Assurance**

### **329 IAC 11.6-9-1 Financial assurance for cleanup and closure**

**Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3**

**Affected: IC 13-14; IC 13-30-2; IC 36-9-30**

**Sec. 1. (a) Owners or operators that are required to have financial assurance under 329 IAC 11.6-5-1(f), shall establish financial responsibility for closure of the registered facility. The financial responsibility must be provided as a**

surety bond as specified in subsection (d) in the amount that will provide for closure of the registered facility in the event the owner or operator has failed to close the registered facility.

(b) The amount that will provide for closure is determined by multiplying the maximum amount, estimated in tons, of residue on-site at any one (1) time by seventy-five dollars (\$75).

(c) The surety bond is established as follows:

(1) On forms:

- (A) provided by the commissioner; or
- (B) as approved by the commissioner.

(2) All surety bonds must contain the following:

- (A) The establishment of minimum bond amount determined by subsection (b).
- (B) Provision that the surety will place the amount that will provide for closure into a standby trust fund, as directed by the commissioner, upon notice from the commissioner that the owner or operator has failed to close the facility.
- (C) Provision that the surety may not cancel the bond without first sending notice of cancellation by certified mail to the owner or operator and the commissioner at least one hundred twenty (120) days before the effective date of the cancellation.
- (D) Provision that the owner or operator may not terminate the bond without prior written authorization by the commissioner.

(3) The surety company issuing the bond must be:

- (A) among those listed as acceptable sureties for federal bonds in Circular 570 of the United States Department of the Treasury; and
- (B) authorized to do business in Indiana.

(4) The surety will not be liable for deficiencies in the performance of closure by the owner or operator after the closure certification is deemed adequate by the commissioner.

(5) The owner or operator shall establish a standby trust fund to be utilized in the event the owner or operator fails to fulfill closure obligations and the bond guarantee is exercised. Such trust fund must be established in accordance with the following:

- (A) On forms provided by the commissioner or forms as approved by the commissioner.
- (B) The establishment of a standby trust fund in the amount determined by subsection (b) for commissioner-approved work done to close the facility.
- (C) The requirement of successor trustees to notify the commissioner, in writing, of their appointment at least ten (10) days prior to the appointment becoming effective.
- (D) The requirement that the funded trust is irrevocable unless terminated in writing by the commissioner.
- (E) The requirement that all signatures be notarized by a notary public commissioned to be a notary public in the state of Indiana at the time of notarization.
- (F) The requirement that the trustee is authorized to act as a trustee and is an entity whose operations are regulated and examined by a federal agency and state of Indiana agency.

(d) The owner or operator may use a single surety bond to meet the requirements for more than one (1) facility. Evidence of financial responsibility submitted to the commissioner must include a list showing, for each facility, the following:

- (1) The registration number, name, and address.
- (2) The amount of funds available through the surety bond that must be not less than the sum of funds that would be available if a separate surety bond had been established and maintained for each facility.

(e) An owner or operator shall do the following:

- (1) Notify the commissioner by certified mail within ten (10) days from commencement of a voluntary or involuntary proceeding under bankruptcy under 11 U.S.C. 101 et seq., October 1, 1979, naming the owner or operator as debtor. An owner or operator who has a surety bond shall be deemed to be without the required

**financial responsibility in the event of bankruptcy of the institution issuing the surety bond.**

**(2) Reestablish financial responsibility within sixty (60) days after such an event. The registered facility cannot operate outside the sixty (60) day period without establishing a surety bond for the amount required under subsection (b).**

**(f) In addition to any other penalties provided for in this article or in IC 13-14 and IC 13-30, any failure to obtain, maintain, or fund financial assurance as required by this rule within the prescribed time limits shall be grounds for a proceeding to revoke the facility's registration or to order final closure of the registered facility.**

**(g) After the closure certification is deemed adequate by the commissioner, the owner or operator of the registered facility is released from the obligation of maintaining financial assurance under this article. (*Solid Waste Management Board; 329 IAC 11.6-9-1*)**

***Notice of Public Hearing***